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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/578,904	05/26/2000	Robert R. Bushey	P19004	8391

7055 7590 08/27/2003

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EXAMINER

BAUTISTA, XIOMARA L

ART UNIT PAPER NUMBER

2173

DATE MAILED: 08/27/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/578,904

Applicant(s)

BUSHEY ET AL.

Examiner

X L Bautista

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2-5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Gerace (US 5,848,396).**

**Claim 1:**

Gerace discloses a method for designing a customized user interface that categorizes a user population into groups using qualitative and quantitative models; and applies the models into interface design (abstract; col. 2, lines 3-23, col. 4, lines 1-47; col. 5, lines 27-31), testing (col. 15, lines 25-44), and deployment (col. 34, lines 29-40; col. 35, lines 7-13; col. 36, lines 22-26).

**Claim 2:**

See claim 1. Gerace teaches a methodology for categorizing a user population into groups using qualitative and quantitative models (abstract; col. 2, lines 3-23, col. 4, lines 1-47; col. 11, lines 24-42; col. 14, lines 4-24; col. 17, lines 1-17).

Claim 3:

See claim 1. Gerace teaches validating targeted user behaviors and preferences; capturing emergent behaviors and preferences (col. 2, lines 1-29); tracking design requirements and implementations (col. 2, lines 30-60); accommodating diversity in performance and preference during testing (col. 15, lines 25-44); and customizing a user interface design to the user(s), (cols. 7-10; col. 11, lines 24-42; col. 14, lines 4-23; col. 17, lines 1-17).

Claims 4-10 and 12-18:

Gerace discloses a method for designing a customized user interface that can be incorporated into business/negotiation system (col. 1, lines 14-22, 52-65; col. 20, lines 52-67), telephone system (col. 6, lines 23-35; col. 16, lines 37-55; col. 22, lines 26-42; col. 32, lines 19-37), Internet (col. 1, lines 30-67; col. 3, lines 39-62; col. 4, lines 1-11), interactive GUI system (col. 1, lines 30-44), automated teller machine (col. 12, lines 7-21), computer operating system (col. 12, lines 43-56), television programming interface (col. 1, lines 18-22; col. 10, lines 9-22; col. 22, lines 43-52; col. 36, lines 49-58), etc., (col. 1, lines 6-65; col. 6, lines 23-35; col. 10, lines 9-22; col. 13, lines 37-47; col. 16, lines 30-55; col. 20, lines 33-67; col. 21, lines 67; col. 22, lines 1-67; col. 23, lines 1-16; col. 32, lines 19-37; col. 36, lines 49-58; col. 38, lines 19-27).

Claim 11:

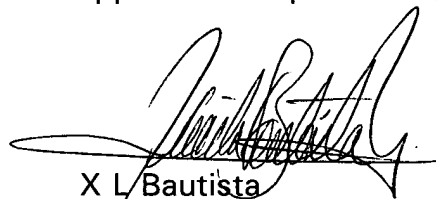
See claims 1-3. Gerace teaches user selection and customization of content

and display of information (col. 11, lines 24-56); creation of user profile (col. 2, lines 1-60); and development of a customized user interface (abstract; cols. 7-10; col. 14, lines 4-23; col. 16, lines 30-55; col. 17, lines 1-17).

***Conclusion***


3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to X L Bautista whose telephone number is (703) 305-3921. The examiner can normally be reached on M-Th (8:00-18:00) Fridays Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W Cabeca can be reached on (703) 308-3116. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.



X L Bautista  
Patent Examiner  
Art Unit 2173

xlb  
August 22, 2003



RAYMOND J. BAYERL  
PRIMARY EXAMINER  
ART UNIT 2173